

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANDRE PORTER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:09CV00322 ERW
)	
ST. LOUIS COUNTY, MISSOURI, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff's Motion in Request to Vacate, Set Aside, or Amend Court's Order [doc. #48] and Defendants' Motion for Sanctions [doc. #39].

Plaintiff Andre Porter ("Plaintiff") argues in his Motion that the Court erred in its Order dated October 5, 2009 [doc. #38], denying Plaintiff's Motion for Reconsideration of Appointment of Counsel [doc. #35] and granting Defendants' Motion to Stay [doc. #37]. The Court reaffirms, as it stated in that Order, that it will reconsider the issue of appointment of counsel upon receipt of Defendants' Answers, provided that Plaintiff renews his request. The Court will not reconsider its grant of a stay to allow Defendants time to depose Plaintiff before submitting their Answers, because Plaintiff unjustifiably refused to participate in the deposition scheduled for September 30, 2009. Although the Court vacated the prior Case Management Order in its Memorandum and Order dated September 21, 2009 [doc. #32], that did not have any effect on previously-scheduled depositions.

The Court finds that Defendants' Motion for Sanctions, based on Plaintiff's refusal to be deposed, will be held in abeyance. If Plaintiff fails to submit to the deposition noticed for

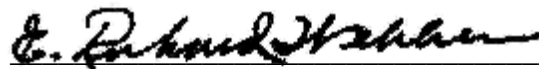
November 2, 2009, the Court will grant Defendants' Motion and impose appropriate monetary sanctions with respect to both scheduled depositions.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion in Request to Vacate, Set Aside, or Amend Court's Order [doc. #48] is **DENIED**.

IT IS FURTHER ORDERED that Defendants' Motion for Sanctions [doc. #39] is **HELD IN ABEYANCE**. The Court will grant the Motion if Plaintiff fails to submit to the deposition scheduled for 1:30 PM on November 2, 2009 at the Jefferson City Correctional Center.

Dated this 23rd Day of October, 2009.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE